

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RUBEN PASTOR,

No. C 12-01253 DMR

Plaintiff(s),

**ORDER DISMISSING CASE**

v.

NEW CENTURY MORTGAGE CORP,

Defendant(s).

On March 13, 2012, Plaintiffs, proceeding *pro se*, filed this action. [See Docket No. 1.] The complaint is virtually incomprehensible. [See Docket No. 1.] Plaintiffs failed to file a case management conference statement that was due on June 20, 2012. On June 27, 2012, Plaintiffs failed to appear at the initial case management conference. There is no indication in the record that Plaintiffs served the complaint. As a result, Defendants also did not make an appearance at the conference. [See Docket No. 9.]

In cases such as this one, where the plaintiffs have consented [Docket No. 5] but not served the defendants, “all parties have consented pursuant to 28 U.S.C. § 636(c)(1),” and a magistrate judge therefore “may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case.” *Gaddy v. McDonald*, No. 11-CV-8271, 2011 WL 5515505, at \*1 n.2 (C.D. Cal. Nov. 9, 2011) (not reported in F. Supp. 2d) (quoting § 636(c)(1)) (citing *United States*

1 v. *Real Prop.*, 135 F.3d 1312, 1317 (9th Cir. 1998)); *Third World Media, LLC v. Doe*, No. C-10-  
2 4470-LB, 2011 WL 4344160, at \*3 (N.D. Cal. Sept. 15, 2011)).

3 In light of the foregoing, this court hereby DISMISSES this action for lack of subject-matter  
4 jurisdiction, for failure to prosecute, and for failure to file a case management conference statement  
5 and appear at the regularly scheduled case management conference.

6  
7 IT IS SO ORDERED.

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9 Dated: June 28, 2012

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11 DONNA M. RYU  
12 United States Magistrate Judge

